

EXHIBIT B

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U.S. Department of Justice
United States Attorney
Middle District of Florida

501 West Church Street, Suite 300
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Reply to: Tampa, Florida
Telephone: 813/274-6156
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(February 22, 2005)

Wadie E. Said, Assistant Federal Public Defender
Federal Public Defender's Office
400 North Tampa Street, Suite 2700
Tampa, Florida 33602

Re: United States v. Sami Amin Al-Arian, et al.
Case No. 8:03-CR-77-T-30-TBM

Dear Mr. Said:

I am writing to follow-up with you regarding Defendant Fariz's motion for foreign depositions, and the Court's allowance of that motion with respect to certain deponents. Given our recent telephone conversation, in which we touched on certain logistical issues regarding these depositions, I assume that you are proceeding with plans to conduct them in an overseas location. With that in mind, the government hereby requests that you produce all documents and objects that you intend to use during these depositions. See Fed. R. Crim P. 16(b)(1)(ii). Given that you have asked for depositions to preserve testimony *for trial*, we must treat the deposition testimony as trial testimony. Any documents or objects that you plan to use for the deposition testimony are therefore equivalent to documents or objects that you intend to use during your case-in-chief. The government specifically requests that you provide these documents as soon as possible because the trial date (and presumably the deposition dates) are imminent. Should these documents be in Arabic, the government also requests that you provide translations of them. In light of the fact that you have interviewed these prospective deponents and have traveled to the Middle East presumably to meet with them, it is reasonable for us to conclude that you have such documents in your possession now or could obtain them from the witnesses in short order.

Moreover, because we must treat any deposition testimony as potential trial testimony, we are hereby requesting that you produce documents that we would have access to at trial. For example, if these witnesses were to appear here in the United States, we could serve them with subpoenas duces tecum for certain documents relevant to their direct testimony or to impeachment on cross-examination. Moreover, if we were conducting a cross-examination of these witnesses in the court here in Tampa, we could inquire of the witnesses about the existence of certain documents and ask the

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court to order the witnesses to retrieve such documents. We will not, however, have these mechanisms at our disposal during the course of a foreign deposition. Based on your proffer of these witnesses' anticipated testimony, it is clear that many of them will have documents relating to the subject of their testimony and the circumstances of their unavailability for trial. We also can deduce, simply based on the evidence in the case, that if several of these witnesses were to offer testimony to contradict the government's theory of the case, that testimony would necessarily include documentation on key points. In addition, these witnesses likely have documents that would be relevant for impeachment purposes.

We therefore have attached a detailed request for documents *prior to the depositions*, in order to make these proceedings as efficient as possible for all parties. We anticipate that the arrangements for the foreign depositions will not allow us to ask the witness to retrieve a document and return for further questioning; in any event, if a document is in Arabic, additional time would be required to translate it before we could question the witness about its contents. For all these reasons, we trust that you will make a good faith effort to provide us with these documents at least one week prior to the deposition date.

The attachment to this letter sets forth general categories of documents that apply to all the witnesses, and more specific categories of documents for each individual witness.

We look forward to receiving these documents promptly. Should you have any questions about this request, please feel free to call me at (813) 274-6156.

Sincerely,

PAUL I. PEREZ
United States Attorney


Cherie L. Krigsman
Trial Attorney

Attachment

GENERAL REQUEST FOR DOCUMENTS

1. Birth certificates, passports, licenses, social security cards, or other forms of identification used by, signed by, or related to the deponent.

2. Any notes, papers, correspondence, memoranda, phone numbers, or address books, or documents of any nature containing references to any of the defendants named in the Superseding Indictment.

3. Any photographs depicting or in any way related to any of the defendants named in the Superseding Indictment.

4. All books, records, papers, notes, memoranda, bills, receipts, statements, checks, correspondence, and documents of any kind reflecting, referring to or relating, directly or indirectly, to any employment, income, financial transactions, donations, contributions, or business relationships between the deponent and any of the defendants.

5. All books, records, documents and writings of any kind, including but not limited to passport information, reflecting, referring to or relating, in any manner, to the defendant's entrance to other sovereign countries, for the purpose of business or otherwise, for the years 1990 through the present.

6. Any documents, papers, reports, or writings inspected by, used by, referred to, adopted by, or read by or to the deponent, in whole or in part, prior to or in preparation for the deponent's testimony.

7. All documents, including but not limited to, correspondence, articles, membership lists, journals, newsletters, and photographs relating to the Palestinian Islamic Jihad in general, or to any one of its members or activities.

8. Documents relating to the deponent's applications for visas, passports or other travel documents in the last five years.

INDIVIDUAL REQUESTS FOR DOCUMENTS

Naim Nasser Bulbol

Any documents or photographs relating to the Elehssan Society, a/k/a the Elehssan Charitable Association, including any and all records, papers, receipts, notes, correspondence regarding this organization sent to the deponent by any of the defendants or sent to any of the defendants by the deponent.

Any documents relating to the deponent's service as an imam in a "Chicago area Mosque," including any pay stubs, cancelled checks, etc., relating to compensation for services at the mosque.

Any documents or photographs relating to Salaheddine Abu Hassanein and the deponent's relationship with Mr. Hassanein.

All documents relating to any web sites used by the Elehssan Society, a/k/a the Elehssan Charitable Association.

Saleheddine Abu Hassanein

Documents relating to the deponent's conviction in an Israeli military court on grounds that he was active in the Palestinian Islamic Jihad.

Any documents or photographs relating to the Elehssan Society, a/k/a the Elehssan Charitable Association, including any and all records, papers, receipts, notes, correspondence regarding this organization sent to the deponent by any of the defendants or sent to any of the defendants by the deponent.

Documents related to the management of the Elehssan Society, a/k/a the Elehssan Charitable Society, including lists of members, employees, directors, and fund-raisers.

Documents relating to the collection and disbursement of funds by the Elehssan Society, a/k/a the Elehssan Charitable Association.

Documents, including receipts, books, ledgers, identification information, and correspondence relating to the disposition of funds sent to the deponent by any of the defendants.

Documents relating to any web sites used by the Elehssan Society, a/k/a the Elehssan Charitable Association.

Ali Sadiq Sammoudi

All documents relating to the services provided by the deponent to defendant Fariz in or about 2001, including notes, drafts, receipts, and correspondence.

All documents relating to the disposition of the funds transferred to Mr. Sammoudi by defendant Fariz.

All documents relating to the deponent's familial relationship with Hamza Sammoudi, including family photographs, greeting cards, and letters.

All documents relating to interviews conducted by, or in the presence of, the deponent with members of the Palestinian Islamic Jihad, or any of its subordinate organizations, including the Elehssan Society, a/k/a the Elehssan Charitable Association, from 1994 to the present.

Ali Jarbawi

All documents, including scholarly research or publications, relating to the Elehssan Society, a/k/a the Elehssan Charitable Association.

All documents, including scholarly research and publications, relating to defendant Sameeh Hammoudeh or any of his immediate family members.

Khalil Shikaki

All documents regarding WISE/ICP, including memos, ledgers, checks, letters, meeting minutes, draft publications, etc.

All records regarding the Muslim Women's Society (MWS), including receipts, payments, checks.

All contracts, written agreements for work, or payments between the deponent and Sameeh Hammoudeh.

All documents pertaining to deponent's bank accounts in Jordan (Bank of Jordan), Switzerland, Israel (Bank Hapoalim, First Bank of Israel), and/or the United Kingdom, from 1988 to the present.

All documents pertaining to financial dealings with any of the defendants, particularly Ramadan Abdullah Shallah.

Copies of contracts, payments, agreements, and/or invoices between deponent and CENSOR.

All documents pertaining to any grant payments made overseas by or on behalf of IIIT, or any other organization linked to the defendants, which deponent transferred, arranged, negotiated, or facilitated.

Any documents pertaining to the Elehssan Society, a/k/a the Elehssan Charitable Association.

Abd Al Fattah Zahalqa

All documents pertaining to sales of books to or for any of the defendants.